

REMARKS

Claims 1-48 are pending in the application and claims 1-6, 20, 25-30, 36, 44 and 46 stand rejected.

Objections to the claims

The claims are objected to as containing various potential antecedent basis problems. Applicant has amended the claims herein to address each of these objections.

Rejection under 35 U.S.C §102

Claims 1-6, 20, 25-30, 36, 44 and 46 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pre-grant Publication No. 2003/0060973 to Matthews. In particular, the Examiner finds that, with regard to claim 1, Matthews discloses all of the claimed limitations. Applicants have reviewed the reference with care, paying particular attention to the passages cited, and are compelled to respectfully disagree with the Examiner's characterization of this reference. However, in the spirit of cooperation and solely to ease the passage of this case to issue, Applicant has amended claim 1 to include the limitations of claim 6. The Examiner has opined that claim 6 is also anticipated by Matthews, but Applicant respectfully disagrees.

Claim 6 as now incorporated into claim 1 recites that determining the probability of usage of an item is accomplished by using visit history data of one or more previous users that have visited the space and identifying relevant visit history data for use in determining said probability of usage by matching the value of an indicator of said user's progress around the space with values of that indicator in said visit history data. There is simply no such matching of values indicative of the user's progress and of previous users' visit history in Matthews. The Examiner cites to paragraph 73 of Matthews for disclosing that "a guidance function can provide a feature that allows multiple navigation sessions to follow a first navigation session" and avers that this is equivalent to plotting an expected path based on previous user visit history. The Examiner's interpretation of Matthews misses one crucial detail, namely that in Matthews there is only one such previous user, and all users coming after the first user follow this same path. This is clearly

set forth in paragraph 42 of Matthews, which is also cited by the Examiner, as well as paragraph 70-73, which essentially set forth a follow-the-leader arrangement wherein, once the leader (first user) has laid down a path, all subsequent users (followers) are guided along the same path. Thus, there is no *matching* between a follower's progress indicator and the path of the leader because the leader's path is the only one path in the so-called visitor history of Matthews, and this path is followed 100% of the time by all followers. It is for this reason that Matthews does not try to identify relevant visitor history data, because all data in Matthews' "visitor history" is relevant to all subsequent users. Applicant therefore respectfully requests the Examiner to reconsider in light of the preceding and to pass amended claim 1 to allowance.

Claims 2-5 and 7-24 depend from claim 1. In view of the above discussion, it is submitted that claim 1 is allowable, and for this reason claims 2-5 and 7-24 are also allowable.

Claim 25 corresponds to claim 1, and has been amended herein to include the limitations of claim 30 which corresponds to claim 6. Applicant thus submits that the previous discussion is equally relevant to the allowability of amended claim 25.

Claims 26-29 and 31-48 depend from claim 1. In view of the above discussion, it is submitted that claim 1 is allowable, and for this reason claims 26-29 and 31-48 are also allowable.

Claims 6 and 30 have been cancelled without prejudice.

Applicant acknowledges with gratitude the Examiner's indication of allowability as to claims 7-19, 21-24, 31-35, 37-43, 45, and 47-48.

Regarding the prior art made of record by the Examiner but not relied upon, Applicant believes that this art does not render the pending claims unpatentable.

In view of the above, Applicant submits that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

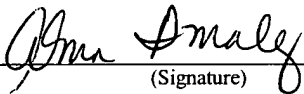
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(Name of Person Transmitting)

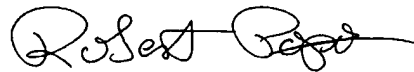


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(Date)

Respectfully submitted,



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